

Honorable Timothy W. Dore
Hearing date: February 14, 2020; 9:30 a.m.
Hearing Place: Room 8106, 700 Stewart Street, Seattle, WA 98101
Responses due by: February 7, 2020; by 4:30 p.m.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:) Chapter 7
) Bankruptcy No. 16-14377
LONNIE JOHN BENSON,)
d/b/a Humanity Online LLC,) TRUSTEE'S MOTION FOR AN ORDER
Debtor(s).) PRESERVING ASSET FOR THE
ESTATE

COMES NOW the duly appointed trustee, Ronald G. Brown, through counsel, The Livesey Law Firm, and Rory C. Livesey, and moves this court for an order preserving an asset for the estate after the case is closed.

Among the assets of the estate was the debtor's interest in real property in Arlington, Washington. The debtor was renting the property through Airbnb and continued to do so several months after the bankruptcy was filed. On April 2, 2019, the trustee obtained an order from the court directing the debtor to turn over to the trustee, and provide an accounting for, all funds received from Airbnb (Docket No. 212). The debtor has failed to obey this order of the court. The trustee is preparing to close the estate, but wants to preserve this asset for the benefit of creditors.

Under Section 554 of the Bankruptcy Code, the closing of an estate typically abandons all unadministered assets. Arguably that provision does not apply to the order for turnover, as the trustee is seeking recovery on post-petition property. The trustee is requesting the entry of an order specifically preserving this property for the estate notwithstanding any language of Section 554 that may cause an abandonment of the estate.

1 WHEREFORE, the trustee prays for an order accordingly.

2 RESPECTFULLY SUBMITTED this 21st day of January, 2020.

3 THE LIVESEY LAW FIRM

4 */S/ Rory C. Livesey*

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Rory C. Livesey, WSBA #17601
6 Attorney for Ronald G. Brown, Trustee